

CHAPTER NO. 649

SENATE BILL NO. 2388

By Graves, Rochelle, Davis, Burks

Substituted for: House Bill No. 2530

By McMillan, Baird, Mr. Speaker Naifeh

AN ACT To amend Tennessee Code Annotated, Title 39, Chapter 13, Part 1, relative to the punishment for certain assaults.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-101, is amended by designating subsection (b) as subsection (b)(1) and by adding the following new subsection (b)(2):

(2) In addition to any other punishment that may be imposed for a violation of this section, **if** the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in §36-3-601(8), **and if**, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), **then** the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200). Such additional fine shall be paid to the clerk of the court imposing sentence who shall transfer it to the state treasurer who shall credit the same to the general fund. All such fines, so credited to the general fund, shall be subject to appropriation by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to §67-4-411.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by designating subsection (d) as subsection (d)(1) and by adding the following new subsection (d)(2):

(2) In addition to any other punishment that may be imposed for a violation of this section, **if** the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in §36-3-601(8), **and if**, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), **then** the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200). Such additional fine shall be paid to the clerk of the court imposing sentence who shall transfer it to the state treasurer who shall credit the same to the general fund. All such fines, so credited to the general fund, shall be subject to appropriation by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to §67-4-411.

SECTION 3. Tennessee Code Annotated, Section 39-13-111, is amended by designating subsection (c) as subsection (c)(1) and by adding the following new subsection (c)(2):


(2) In addition to any other punishment that may be imposed for a violation of this section, **if** the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in §36-3-601(8), **and if**, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), **then** the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200). Such additional fine shall be paid to the clerk of the court imposing sentence who shall transfer it to the state treasurer who shall credit the same to the general fund. All such fines, so credited to the general fund, shall be subject to appropriation by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to §67-4-411.

SECTION 4. The one-time cost incurred by the Department of Revenue for the changes to the information systems that are necessary to implement the provisions of this act shall be deducted from the revenue collected during the first year from the additional fines imposed pursuant to this act.

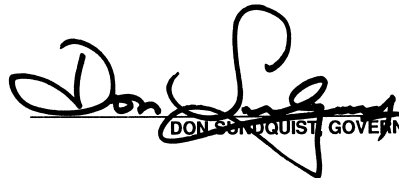
SECTION 5. This act shall take effect on July 1, 2002, the public welfare requiring it.

PASSED: April 17, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of April 2002


DON SUNDQUIST, GOVERNOR